

Economic Impact Statement

LSA Document #22-386

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

Small businesses in Indiana are described as any business with fewer than 500 employees. Essentially all the regulated businesses described in this analysis will be considered small businesses. Based on current and projected credentialing data maintained by the Office of the Indiana State Chemist (OISC), it is estimated that the following numbers of businesses and pesticide applicators could be subject to some portions of these rules: 3,633 commercial pesticide application businesses; 10,720 commercial pesticide applicators; 3,872 commercial pesticide technicians; 599 restricted use pesticide (RUP) dealers; and 11,090 permitted farmers.

Justification for the Rules:

Same or similar definitions and terms used throughout [IC 15-16-4](#), [IC 15-16-5](#), and [355 IAC 5-1](#) are proposed to be consolidated, simplified, clarified, and made consistent to assist pesticide applicators, handlers, and distributors with regulatory compliance and implementation.

Current pesticide storage and containment requirements are spread across a variety of existing Indiana pesticide rules. Consolidation, coordination, and streamlining of existing storage, containment, and handling requirements will assist regulated individuals in locating and complying with these rules.

Some existing storage and containment requirements have been identified as outmoded and unnecessary for public and environmental protection. These requirements are proposed to be repealed or reduced, consistent with the intent of the stated regulatory moratorium. Specifically, establishing clear distinctions between bulk and minibulk storage and containment requirements, based on over 20 years of compliance implementation experience by OISC, will create greater compliance flexibility.

Other rules containing elements of pesticide storage and handling have also been repealed from [357 IAC 1](#) and combined with storage and container handling requirements in proposed revisions to [355 IAC 5](#). Repealed and replaced rules from [357 IAC 1](#) include regulation of pesticides near community public water supply system wells ([357 IAC 1-10](#)), open burning of pesticide containers ([357 IAC 1-13](#)), and use of pesticide service containers ([357 IAC 1-14](#)).

Estimate of Compliance Costs for Regulated Entities:

There are no new or additional regulatory requirements created by these amendments. Pesticide storage, containment, and container handling requirements from several currently existing rules have been consolidated, streamlined, and made more flexible by these amendments. Therefore, no additional costs should be incurred by any regulated entities.

Estimate of Administrative Expenses Imposed by the Rules:

There are no new or additional regulatory requirements created by these amendments, so there will be no new or added administrative expenses.

Estimate of any Costs Savings to Regulated Industries:

In consideration of currently existing requirements that have been standardized, simplified, or relaxed, there is a potential for a cost savings to regulated industries. Cost savings could result from: (1) a reduction in potential consultation and legal expenses for compliance determinations; (2) less costly containment construction costs for minibulk pesticide storage; (3) greater flexibility in the time allowed for storing minibulk pesticides out of containment; and (4) more straightforward regulatory requirements for pesticide storage and handling in wellhead protection areas. However, assessing the specific value of those potential savings is imprecise and beyond the capabilities of this analysis.

Examination of Alternatives:

Because there are no new or additional regulatory requirements created by these amendments and because impacted pesticide applicators, dealers, and businesses are already presumed to be largely in compliance with current regulatory standards, there is no apparent need to consider more cost-effective alternatives.

Total Estimated Impacts on All Small Businesses:

Because there are no new or additional regulatory requirements created by these amendments and because impacted pesticide applicators, dealers, and businesses are already presumed to be largely in compliance with current regulatory standards, there are no foreseeable economic impacts to small businesses associated with these proposed rule revisions.

Contact information for the OISC staff to answer substantive questions:

David E. Scott

Pesticide Administrator, OISC

(765) 494-1593 or (765) 413-1242 (cell)

scottde@purdue.edu

Posted: 03/08/2023 by Legislative Services Agency

An [html](#) version of this document.